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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/518,524 | 08/29/2005 | Axel Zacharias | 175.8150USU | 6792 |

27623 7590 04/09/2007
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| EXAMINER |
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HOGUE, GARY CHAPMAN

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| ART UNIT | PAPER NUMBER |
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3611

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/09/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/518,524

Applicant(s)

ZACHARIAS, AXEL

Examiner

Gary C. Hoge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/31/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 8, line 16, it appears that "26" should be "46".

Appropriate correction is required.

2. The use of the trademark Velcro® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 is misdescriptive because it purports to define the wall mounting, but recites details of the frame instead. The subsequent claims provide further limitations of the wall mounting, not the frame recited in claim 18.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Belfor (3,613,279).

Belfor discloses a picture frame comprising several frame ledges **12-15** and connecting elements **35** for releasably connecting adjacent frame ledges, wherein insertion pockets **22** are provided in the frame ledges into which the connecting elements are insertable.

Regarding claims 3 and 4, note friction elements **41**, which are lamellae.

Regarding claim 5, the edges connecting elements disclosed by Belfor are parallel to the outer contours of the frame ledges, and thus are in substantial alignment therewith.

7. Claims 1, 2, 5-10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Packer (3,830,278).

Packer discloses a picture frame comprising several frame ledges **11-14** and connecting elements **15** for releasably connecting adjacent frame ledges, wherein insertion pockets **33** are provided in the frame ledges into which the connecting elements are insertable.

Regarding claim 5, the edges of the connecting elements disclosed by Packer are parallel to the outer contours of the frame ledges, and thus are in substantial alignment therewith.

Regarding claims 6 and 7, Packer discloses first fastening elements **30** that connect with second fastening elements **52**.

Regarding claim 13, see Fig. 3.

Regarding claims 14 and 15, the frame ledges disclosed by Packer include several longitudinally extending grooves. The recitation that they are “for receiving wall mountings and/or spacers” is merely a statement of intended use and does not define over the art.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Packer (3,830,278) in view of Henley (6,145,567).

Packer discloses the invention substantially as claimed, as set forth above. However, Packer uses staples rather than Velcro® to attach the picture. Henley teaches that Velcro® is an equivalent fastener to staples. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Velcro® instead of staples to attach the picture disclosed by Packer, as taught by Henley, as an obvious matter of choice in design.

10. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (4,428,135) in view of James (4,597,554).

Sobel discloses a wall mounting comprising a picture frame **12** having several frame ledges and connecting elements **20**, wherein insertion pockets **44** are provided in the frame ledges and the connecting elements are insertable therein. However, the wall mounting does not include an integrated spirit level. James teaches that it was known in the art to provide a spirit level in a wall mounting. It would have been obvious to one having ordinary skill in the art at the

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time the invention was made to provide the wall mounting disclosed by Sobel with a spirit level, as taught by James, in order to enable the wall mounting to be mounted in a level position.

Regarding claim 20, see projections **68** and **70**, of Sobel, that are inserted into groove **44**.

11. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (4,428,135) in view of James (4,597,554), as applied to claim 18, above, and further in view of Wallo (4,804,161).

Sobel discloses the invention substantially as claimed, as set forth above. However, the holes disclosed by Sobel are equally round. Wallo teaches that it was known in the art to provide slots that extend at right angles to each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the wall mounting disclosed by Sobel with slots that extend at right angles to each other, as taught by Wallo, in order to allow for fine adjustment of the mounted object.

Conclusion

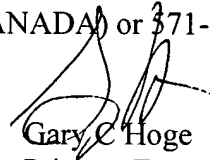
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary C Hoge
Primary Examiner
Art Unit 3611

gch